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DEPARTMENT FOR SCA/INS

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SUBJECT: SRI LANKA: AMBASSADOR DISCUSSES HUMAN RIGHTS
STRATEGY WITH SENIOR MINISTER

Classified By: Ambassador Robert O. Blake, Jr., for reasons 1.4(b,d).

11. (C) Summary: Ambassador met Tourism Minister Milinda Moragoda for a debrief of the Minister's recent visit to Washington. President Rajapaksa recently designated Moragoda as a special envoy on external military relations with the US, India and possibly other countries. Ambassador suggested a three-track approach for getting US-Sri Lankan mil-mil relations back on track. First, Sri Lanka must make a concerted effort to get the TMVP to release all of its child soldiers. This would enable the Embassy to make a recommendation in favor of the Department certifying that the GSL is taking "effective measures" to demobilize child soldiers, which would in turn allow the US to resume licenses for air and maritime surveillance equipment. Second, the Ambassador suggested a series of human rights measures the GSL could take to address human rights concerns that underlie section 699g restrictions. Third, the GSL needed to reduce substantially the number of abductions and disappearances in the East, Vavuniya and Mannar to complement the progress that had been made in Jaffna and Colombo. Moragoda thought these were constructive suggestions and undertook to discuss them with the President and his brothers, Defense Secretary Gothabaya Rajapaksa and Presidential Advisor Basil Rajapaksa.
End Summary.

12. (C) Moragoda expressed his thanks for the good meetings he had with A/S Boucher at State and General Toolan in the Pentagon. The Ambassador and Moragoda then discussed ways to get US-Sri Lanka military relations back on a smoother track. Ambassador suggested the GSL pursue a three-track approach:

- First, Sri Lanka should make a concerted effort to get the remaining TMVP child soldiers released as quickly as possible, ideally in the next one to two months. Ambassador commended the GSL for the release of the first 11 and briefed Moragoda that we had received word that as many as 29 more might be released as early as this week. Since the TMVP wants to show it is making a successful transition from a paramilitary outfit to a political party before the May 10 elections in the East, and since the GSL is fully on board with the goal, the challenge is for the GSL to work with the TMVP and UNICEF to identify the remaining child soldiers and release them to their families and/or the GSL for training and rehabilitation. Ambassador told Moragoda that USAID is

prepared to release \$250,000 to help upgrade the rehabilitation facilities at Ambepussa. The release of a substantial number of child soldiers would enable the Embassy to make a recommendation in favor of the Department certifying that the GSL is taking "effective measures" to demobilize child soldiers as required by 699c of the FY08 Foreign Operations Appropriations Act. That, in turn, would enable the US to resume licenses for air and maritime surveillance equipment.

- Second, the US and GSL need to work together to address human rights concerns that underlie section 699g restrictions in the same Act. The Ambassador noted that GSL action on child soldiers will help towards 699g as well. Ambassador also suggested Sri Lanka do the following to address 699G concerns:

A) To meet Administration and Congressional concerns about impunity, the Government should indict the security force members who are widely believed to be responsible for the murder of the 17 ACF workers and five murders in Trincomalee.

Indictments on these two high profile cases now before the Commission of Inquiry would help the GSL to rebut IIGEP and others who claim Sri Lanka lacks the political will to bring members of the security forces to justice. Ambassador told Moragoda the Embassy would prepare an explanation that Washington could share about why we regard the GSL's previous list of indicted security force personnel as insufficient to meet the Leahy requirement of "necessary corrective measures."

B) To meet the 699G requirement that Sri Lanka allow the UN High Commissioner for Human Rights to establish an office, the GSL should either do that or take steps to show that it is willing to empower its own human rights institutions.

Ambassador suggested one effective measure would be to appoint a truly independent and internationally respected person to head the Human Rights Commission and thereby empower that institution to monitor and report on human rights abuses and act as an effective check. One name that had been discussed was the former deputy head of the International Court of Justice Judge Weeramantry. Moragoda said it would be politically difficult for the GSL to agree to a UNHCHR office, but thought the idea of appointing a truly independent HRC head was a good one. He undertook to discuss this with the President.

C) Ambassador also suggested that Sri Lanka needs to be able to make a credible case that overall human rights conditions are improving. Ambassador told Moragoda that the worst problem is that of abductions and disappearances. The trend lines for disappearances in Colombo and Jaffna were down, although there appeared to be recent upticks in both areas. The real problem is now in the East, where the numbers over the last several months were up substantially, and in Vavuniya and Mannar. Ambassador argued that with all the GSL is now trying to accomplish in the East, surely it is in the GSL's interest to work with the TMVP to stop this trend, which would not only improve security in the East but would help on the larger human rights front. Moragoda agreed and said he would take this forward as well.

- Third, on the sensitive question of Leahy vetting of Sri Lankan security personnel for US training, Ambassador cautioned that this would be the hardest to tackle because of the wide scope of past problems for which Sri Lankan military officers might be responsible. Ambassador told Moragoda that in response to the good suggestion that had come out of his meeting with Gen Toolan, the Embassy would prepare a list of the most significant human rights problems for which the military was being held responsible by human rights groups. The Government and military should take a hard look at that list and tell us if there are any members of the security forces who have been punished for any of these incidents. As indicated above, the Embassy also would prepare an explanation that Washington could share about why we regard the GSL's previous list of indicted security force personnel

as insufficient to meet the Leahy bar of "necessary corrective measures." Moragoda said both would be helpful. Ambassador also suggested that Sri Lanka engage Tim Rieser of Senator Leahy's staff and invite him to visit since there is no substitute for personal visits.

13. (C) COMMENT: Although Moragoda occupies the benign post of Tourism Minister, he was offered much more senior posts and enjoys the confidence of and direct access to President Rajapaksa and his two brothers. They particularly value his counsel on US matters given Moragoda's long experience in the United States. Ambassador and SCA PDAS Camp discussed many of the suggestions above with other GSL interlocutors as well. The test, as always in Sri Lanka, will be whether the Government is prepared to take action on these matters.
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